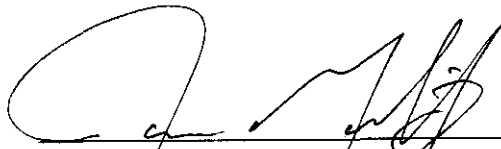


## V. CONCLUSION

In this proceeding, the Commission has a unique and perhaps final opportunity to create a competitive environment in Virginia that does not simply match the least that Verizon has to offer in its other states. OpenBand urges the Commission to draw from the experience and findings of other states, as well as its own experience and expertise, to foster a truly robust and competitive market in Virginia as Congress contemplated in creating the Act and the 271 checklist process.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'L. Freedman', is written over a horizontal line.

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**ATTACHMENT A**

**Selected Portions of Virginia 271 Hearing Official Transcript**

**June 17, 2002**

**ATTACHMENT B**

**Brief of OpenBand of Virginia, L.L.C.**

**Before the VSCC**

**in the**

**VA 271 Proceeding**

## **ATTACHMENT C**

### **Hearing Examiner's Ruling**

**ATTACHMENT D**

**Selected Portions of TX Arbitration Order**

**ATTACHMENT E**

**Dinan Letter Re Maine 271 Conditions**

**ATTACHMENT F**

**Selected Portions of Verizon Maine Tariff**

## **ATTACHMENT G**

### **Selected Portions of Verizon Massachusetts Tariff**





PUC-2002-00046

CASE NO. \_\_\_\_\_

**VIRGINIA:**  
**BEFORE THE STATE CORPORATION COMMISSION**  
\_\_\_\_\_

EXCERPTS

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IN THE MATTER OF

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VERIZON VIRGINIA INC.'s  
compliance with the  
conditions set forth in  
47 U.S.C. Section 271(c)

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- Hearing Examiner -

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**DATES TAKEN**

June 17, 2001

1 MR. SMITH: I believe we have, yes.

2 HEARING EXAMINER: Thank you.

3 That's all I have. Do you have any  
4 redirect?

5 MS. PULLEY: I do not have any redirect.

6 HEARING EXAMINER: Okay. You may be  
7 excused.

8 MR. D'AMICO: Thank you.

9 MR. SMITH: Thank you.

10 \* \* \* \* \*

11 (Witness stood aside.)

12

13 MS. PULLEY: Your Honor, may I have just  
14 one moment?

15 HEARING EXAMINER: Sure.

16 (There was a pause in the proceedings.)

17 MS. PULLEY: Your Honor, Verizon does  
18 call its transport panel, which is item number 5. The  
19 witnesses are Don Albert, Susan Fox, Alice Shockett,  
20 and Jeff Boichot.

21

22

23 DONALD E. ALBERT, SUSAN FOX, ALICE  
24 SHOCKETT, and JEFFREY L. BOICHOT, the Transport Panel,  
25 having been previously duly sworn, testify as follows,

1 viz:

2 HEARING EXAMINER: Has everyone been  
3 sworn on this panel?

4 MR. BOICHOT: Yes.

5 MS. PULLEY: Yes, Your Honor, everyone  
6 has appeared on a previous panel.

7 HEARING EXAMINER: Okay.

8 MR. SMITH: This is the panel for  
9 checklist item 5. All the members of the panel have  
10 previously appeared and been sworn in.

11

12 EXAMINATION

13 BY MR. SMITH:

14 Q. I would like to ask the panel members  
15 with respect to checklist item 5, am I correct in  
16 stating that that checklist item was prepared by Mr.  
17 Albert, Margaret Detch, Susan Fox and Alice Shockett?  
18 Is that correct? No, that's not correct. Excuse me.  
19 Strike that.

20 This checklist item was prepared by Mr.  
21 Albert, Ms. Fox. Ms. Shockett is appearing on behalf  
22 of Ms. Detch for the direct testimony. Is that  
23 correct?

24 A. (Shockett) Yes, that's correct.

25 Q. And Mr. Boichot is appearing for Ms.

1 Gilligan?

2 A. (Boichot) That's correct.

3 Q. Okay. Having straightened that out,  
4 referring to the exhibit marked Exhibit 1, is your  
5 direct testimony on this checklist item, paragraphs  
6 208 through 224, including the attachments referenced  
7 in those paragraphs? Is that your direct testimony?

8 A. (Collective) Yes.

9 Q. And referring to the exhibits marked 8  
10 and 9P, is your reply testimony paragraphs 141 through  
11 161, including the attachments referenced within those  
12 paragraphs?

13 A. (Collective) Yes.

14 Q. Thank you.

15 Are there any additions or corrections to  
16 those tests?

17 A. (Boichot) I have none.

18 (Shockett) I have none.

19 (Albert) No.

20 (Fox) No.

21 Q. Do you adopt that as your reply  
22 testimony?

23 A. (Collective) Yes.

24 MR. SMITH: The witnesses are available  
25 for cross-examination.

1 MR. SHOER: On behalf of Cavalier, Mr.  
2 Perkins has some questions for this panel.

3  
4 EXAMINATION

5 BY MR. PERKINS:

6 Q. Good afternoon. I'd like to start with  
7 dark fiber maps and information. It's true, isn't it,  
8 that Verizon stated in paragraph 147 of its reply  
9 checklist declaration that Verizon makes dark fiber  
10 information available in Virginia on the same basis as  
11 in Pennsylvania? Is that correct?

12 A. (Shockett) Yes, it is.

13 Q. Okay. Do you know if that's on the same  
14 basis as in Maryland?

15 A. Yes, it is.

16 Q. Isn't it true that Verizon has not made  
17 overview maps of dark fiber arrangements available to  
18 Cavalier for Pennsylvania or Virginia?

19 A. What do you mean by "overview" maps?

20 Q. By "overview" maps, I mean a broader map  
21 showing conductivity of dark fiber between central  
22 offices and not solely showing office A, B and C. In  
23 other words, there's dark fiber on a local basis. I'm  
24 talking about a broader area?

25 A. (Albert) Let me take that one.

1           You know, what we have is a standard  
2 offering in Virginia, and it's the same as  
3 Pennsylvania.

4           There are three different things that we  
5 do to make dark fiber planning and engineering  
6 information available to CLECs. We've got the inquiry  
7 process where a CLEC can request information on any  
8 particular points. We have the field survey, which is  
9 a little bit more detailed and where Verizon  
10 techniques will actually take transmission readings of  
11 particular fiber circuits, and then we have wire  
12 center area maps, which are available on a time and  
13 materials basis.

14           What those are composed of would be the  
15 geography of an entire wire center and then showing  
16 street level detail. Those maps would show the  
17 particular streets the fiber-optic cables happen to  
18 run down.

19           So, that's kind of -- or located,  
20 fiber-optic cables are located on. That would be  
21 within the entire wire center area.

22           So, that's the basics of what we do.

23           Now, in working with CLECs, when there  
24 are different unique needs, you know, we will try and  
25 do different unique things to satisfy those needs. An

1 example would be like with Cavalier where we have had  
2 the large builds, very large builds, recently, that  
3 you guys are working on in the Washington and  
4 Baltimore area. There are several different types of  
5 information I have provided to you guys there that I  
6 thought pretty much fit the bill for what you needed,  
7 and if that does fit the bill, you know, as you do  
8 similar other large builds we'll continue to provide  
9 that sort of thing.

10 But those types of information -- that  
11 was e-mails requesting the E and Z span of a  
12 particular cable or even just hand-drawn stick-figured  
13 diagrams.

14 So, the stuff we did recently working in  
15 the Washington Metropolitan area and the Baltimore  
16 area, although that's not required as part of the  
17 checklist, and although that part is not what we have  
18 in our interconnection agreements, if that takes care  
19 and helps you out we'll continue to do that type of  
20 work with you, too.

21 Q. Well, isn't it true, Mr. Albert, though,  
22 that actually you did provide a sort of overview map  
23 of the type I'm describing for Maryland, but no map of  
24 that type has been made available in Virginia? I  
25 think you called it a stick-figure map.



1           A.       I thought when we were doing Washington  
2 Metropolitan I provided similar -- I think in one case  
3 I had a power point for part of the Washington  
4 metropolitan area. The stuff for Baltimore I had hand  
5 drawn. But I thought, yeah, for both Washington  
6 metropolitan, as well as Baltimore, I provided stuff  
7 as we were working on these recent builds.

8           Q.       But that wasn't Virginia, was it?

9           A.       Northern Virginia, yeah, the DC offices  
10 and Maryland suburban. But, I mean, if that type of  
11 stuff works, you know, if what I did with Baltimore --  
12 if that works, you know, we'll do that as you're doing  
13 big builds in --

14          Q.       I'm told it does, so maybe we should talk  
15 further on that outside this proceeding.

16          A.       Okay. No, I mean Mr. Ashenden is sitting  
17 next to you, and I got the impression that the stuff  
18 fit the bill for what he needed, and if it does, and,  
19 you know, if we do similar large builds with the other  
20 places, we'll do the same thing, if that helps.

21          Q.       In fact, we've all sat together before,  
22 haven't we, Mr. Albert, Mr. Ashenden and you and I?

23          A.       Oh, yeah.

24          Q.       Isn't it true when we were sitting  
25 together at the FCC in connection with a complaint

1 that Cavalier asked be put on the FCC's accelerated  
2 docket that Verizon claimed that dark fiber could not  
3 be preserved in a way that Cavalier had requested?

4 I can explain that, if you would like, a  
5 little bit more. I'm referring to the fact that  
6 Cavalier had placed dark fiber inquiries, gotten  
7 answers back, then had to augment its COs with fiber  
8 panels and found when the augment period was passed  
9 and the augment was done that the dark fiber was no  
10 longer available and Cavalier had decided to reserve  
11 the dark fiber. Do you recall that?

12 A. Generally. Reserve is a bit of a broad,  
13 ill-defined terminology. Some people will use the  
14 reserved to be something more akin to they want to be  
15 able to put in an order for a gizmo, you know, be that  
16 an unbundled gizmo or a special access gizmo, but they  
17 like to be able to put in an order without paying for  
18 it. That's one variation of reserve.

19 When we're -- I think on the topic that  
20 you're talking about, and as we're dealing with it  
21 relating to dark fiber, there's one fundamental  
22 premise, really, that applies to every service that  
23 Verizon provides, not only to CLECs but also to other  
24 carriers and also to end-users, and what that  
25 fundamental premise is, that we cannot accept and

1 process and provision an order for a service until a  
2 physical place exists for us to connect our lines to.

3 So, our assignment systems, our  
4 provisioning systems, not only for dark fiber but for  
5 unbundled loops and for unbundled transport and for  
6 plain old basic dial tone -- if there is not a  
7 physical point that exists for us to be able to  
8 connect our lines to, we cannot at that point take  
9 ahead of that an order for that particular service.

10 Now, where that basic building block  
11 fundamental approach -- how that fits into dark fiber  
12 is, what that means previously was that you would have  
13 to have a collocation arrangement built and existing  
14 in a Verizon central office in order for us to be able  
15 to take and to work and to provision a dark fiber  
16 order that would be connected to that collocation  
17 arrangement.

18 So --

19 Q. Can I ask you one quick question before  
20 you get past this one?

21 A. Okay.

22 Q. By collocation arrangement, do you mean a  
23 collocation arrangement horizontal, do you mean one  
24 with a fiber panel already there?

25 A. If we're talking about dark fiber --

1 Q. Yes.

2 A. -- that would be a collocation  
3 arrangement that would have a fiber termination or a  
4 fiber panel.

5 So, in order for us to process an order,  
6 there needs to be a termination that exists that we  
7 can connect the appropriate type of facility to. So,  
8 if you're ordering dark fiber, you need to have  
9 termination panels for fiber optics. If you're  
10 ordering a DS3 you need to have termination facilities  
11 for co-ax cables. If you're ordering a plain vanilla  
12 unbundled loop, you need to have termination panels  
13 for two-wire type of service.

14 So, basically, since the dawn of time,  
15 for all of our services, for all customers, including  
16 CLECs and including carriers, we've had a process in  
17 place that before any of those classes of customers  
18 can place orders, you know, we need to physically have  
19 something existing to connect it to.

20 Now, what we are doing with Cavalier now  
21 in Virginia and in DC and in Maryland is the same type  
22 of trial, what we call parallel provisioning, which we  
23 also did with each other in Pennsylvania.

24 Now, what the parallel provisioning means  
25 as it relates specifically to dark fiber and to

1 collocation is that we will, in the same approximate  
2 time frame as when you submit a collocation  
3 application, we then also will take and begin the  
4 processing and the provisioning for a dark fiber  
5 circuit that would be terminated into that collocation  
6 arrangement.

7           So, the parallel aspect of what I've  
8 labeled as parallel provisioning -- what that really  
9 relates to is that the same period of time as we are  
10 building our collocation arrangement, so that the CLEC  
11 will have physical facilities that will exist, so that  
12 we can actually then connect our dark fibers that  
13 we're providing to you up to those physical  
14 facilities -- what we'll do with parallel provisioning  
15 is, just shortly after accepting your collocation  
16 application, you can then put in a dark fiber order.

17           And what we're -- trialing is part of the  
18 trial, and there are a whole boatload of them that  
19 we're doing up in the Washington metropolitan, but  
20 primarily Baltimore area, and what we're doing there  
21 is, for the particular systems that we have and the  
22 systems for the former Chesapeake and Potomac  
23 companies, the assignment in the inventory systems,  
24 the flavor of those is a little bit different than the  
25 flavors that we had in Pennsylvania. But for the

1 former C&P of Virginia, C&P of Maryland, C&P of West  
2 Virginia, C&P of DC, the trial that we are now doing  
3 with you guys for the parallel provisioning of dark  
4 fiber and collocation will work through with the  
5 primarily TIRK as many as it exists in the four C&P  
6 former states, and we will try and make the  
7 modifications and the process changes so that in fact  
8 when you give us that early order, you know, shortly  
9 after your collocation application, we'll try and get  
10 the system changes completed and the process changes  
11 in place to enable them to use parallel provisioning  
12 so you can right at the head end of the collocation  
13 process submit your dark fiber orders that will  
14 provision.

15 I do not see any reasons why the trial  
16 work will be unsuccessful. It's just a matter of  
17 getting the processes, the procedures and the systems  
18 tweaks worked through that would work for Virginia,  
19 Maryland and for DC. And once we do that, then, you  
20 know, off to the races, add it to the interconnection  
21 agreement, and that will exist for the parallel  
22 provisions of interoffice facility, dark fiber and  
23 collocation.

24 Q. Isn't it true that Cavalier had requested  
25 that type of arrangement since shortly after Verizon

1 made dark fiber available for the first time back  
2 in -- about two years ago, June/July time frame in  
3 2000?

4 A. It's possible. I don't remember the time  
5 frame.

6 Q. Well, isn't it true that Cavalier  
7 objected to Verizon's 271 application in Pennsylvania  
8 because of the inability to do exactly this type of  
9 parallel provisioning?

10 A. Yeah, and in Pennsylvania, as we are  
11 doing in Virginia now, we also had a trial that we  
12 worked through there to get work through with the TIRK  
13 as many as it exists in Pennsylvania, as well as the  
14 processes and procedures in Pennsylvania. We did work  
15 through with Cavalier really at the same time the 271  
16 work was going on. Actually, the trial itself started  
17 as an outgrowth from the very first Pennsylvania  
18 271 --

19 Q. Isn't it true that Cavalier waived its  
20 objection on the basis of Verizon waiving its --

21 A. I'm not sure of the legal term --

22 Q. I didn't ask you for a legal conclusion.

23 A. But that was the resolution of that  
24 particular issue. What we had to do was we launched  
25 off and were doing the trial work, and we put together

1 a report at the end of it that -- well, I guess not at  
2 the end. It was a status report in September, either  
3 September or August of 2001 -- I can't remember -- but  
4 a status report that we provided to the Pennsylvania  
5 Commission.

6 You know, since then the trial is  
7 completed, it's been added to our interconnection  
8 agreements, and in Pennsylvania today you can order  
9 that. Now, that is the only state where we currently  
10 have an interconnection agreement with the carrier  
11 doing the parallel provisioning of dark fiber and  
12 collocation.

13 Q. It is correct at the time of the 271  
14 proceeding, Cavalier was the only CLEC in Pennsylvania  
15 that had tried to order dark fiber from Verizon?

16 A. I don't think so. We had others.  
17 Cavalier was not the only CLEC in Pennsylvania  
18 ordering dark fiber in the 271 time frames.

19 Q. Well, isn't it true that Cavalier has  
20 continued to request that type of parallel  
21 provisioning process in Virginia and the other states  
22 since the Pennsylvania 271 proceeding?

23 A. Yes, and I think that's what basically  
24 drove getting the trial agreements put together, which  
25 are now in place and exist for doing some work in DC



1 as well as in Maryland, as well as in Virginia. I  
2 think you-all have submitted orders. There was a job  
3 aid I sent over that we tweaked a little bit for the  
4 Virginia trial. I think about the third week in May.

5 So, I mean, we were right in the throes  
6 now, as we speak, trying to work through it and trying  
7 to develop the stuff so we can similarly enshrine it  
8 for Virginia, Maryland and DC.

9 Q. So, that process was developed in  
10 Pennsylvania during the 271 proceeding that was  
11 developed in Virginia last month, one month before the  
12 271 proceeding in this matter?

13 A. I'm not sure what dates the trial  
14 agreements were signed, but they were floating around  
15 in April -- as a matter of fact, I don't even know if  
16 they've been finally signed. Talking back and forth  
17 with Mr. Ashenden next to you, we said, okay, we don't  
18 have the final signatures on line, but we'll get stuff  
19 rolling --

20 Q. That's only been in the month or two,  
21 correct?

22 A. Yeah, I saw unsigned agreements as of  
23 April that were still being put back and forth between  
24 the parties for doing the trials.

25 Q. Even though the Pennsylvania trials were